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7 UNITED STATES DISTRICT COURT
 8 SOUTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,)	Criminal Case No. 08CR0254-WQH
10 Plaintiff,)	DATE: April 25, 2008
11 v.)	TIME: 1:00 p.m.
12 JOSE SOBERANES-ROBLES,)	DECLARATION OF SPECIAL AGENT
13 Defendant.)	CLAUDIA HERZOG IN SUPPORT OF UNITED
)	STATES' OPPOSITION TO DEFENDANT'S
)	MOTION TO SUPPRESS STATEMENTS

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 16 I, Claudia Herzog, declare as follows:

- 17 1. I am a Special Agent for the United States Immigration and Customs Enforcement ("ICE")
 18 formerly the United States Customs Service. I have been employed as a Special Agent for
 19 ICE for over five years. I am currently assigned to the Narcotics group in Calexico,
 20 California office. Previously, I was a Senior Inspector for Customs and Border Protection
 21 from April 1993 to January 2003 in Calexico, California. During my employment as a
 22 Special Agent, I have participated in over 100 narcotics related investigations.
- 23 2. Beginning at about 12:45 a.m. on January 20, 2008, I interviewed Jose Alberto Soberanes-
 24 Robles ("Defendant") at the Calexico West Port of Entry after it was discovered that he
 25 was driving a vehicle that concealed approximately 18 kilograms of cocaine underneath
 26 the rear seat of the vehicle at approximately 10:00 p.m.. The interview took place in an
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1 interview room at the Calexico West Port of Entry. The interview room is an office size
2 room with a desk, a computer, several chairs and windows. The windows are covered.

3 3. Defendant was not handcuffed throughout the interview. Special Agent William Steele
4 was also present during the interview. The entire interview was video recorded. A true
5 and correct copy of the recorded interview is attached as Exhibit 1.

6 4. Prior to any questioning, I asked Defendant if he would like me to speak to him in English
7 or Spanish. He chose Spanish. I am fluent in Spanish. Spanish was my first language.
8 I also use Spanish on a daily basis as part of my job. I spoke to him in Spanish unless he
9 spoke to me in English, at which time I spoke to him in English. I first identified myself
10 as an agent with ICE and showed him my government issued identification. Agent Steele
11 also identified himself and showed his government issued identification. I then asked him
12 biographical questions which I recorded his responses on the DEA Form 202. Attached
13 hereto as Exhibit 2 is a true and correct copy of the DEA Form 202 I completed with
14 Defendant's responses.

15 5. I then asked Defendant whether he wanted to be advised of his rights in English or in
16 Spanish. He chose Spanish. I advised Defendant of his Miranda rights in Spanish off of
17 a pre-printed ICE form that was written in Spanish. As I read him each right, I asked him
18 if he understood. He stated affirmatively that he understood each right and placed his
19 initials next to each right I read to him. A true and correct copy of the form Defendant
20 initialed is attached hereto as Exhibit 3.

21 6. I then asked him if he wished to waive his rights. I asked him to read aloud the bottom
22 portion of Exhibit 3 entitled "Renuncia a los derechos" and to sign it if he wished to waive
23 his rights and speak with me. He stated he wished to waive his rights and answer
24 questions. I observed him sign Exhibit 3, and Agent Steele and I signed Exhibit 3 at the
25 bottom.

- 1 7. All through the subsequent interview, Defendant appeared responsive to my questions and
2 coherent.
- 3 8. At no time during the interview did either I or Special Agent Steele brandish our weapons
4 towards Defendant. Both Special Agent Steele and I were dressed in plainclothes with our
5 service weapons concealed. At no time during the interview did either I or Special Agent
6 Steele make threatening gestures towards Defendant or raise our voices at the Defendant.
- 7 9. The interview lasted approximately 50 minutes. After the interview concluded, Defendant
8 was permitted to telephone his girlfriend from his cellular phone before being booked into
9 jail. He was also permitted to contact a person named "Lalo" to pick up his personal
10 property.

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12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct to the best of my knowledge and belief.

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15 Dated: April 21, 2008.

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17 SPECIAL AGENT CLAUDIA HERZOG
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